Government of
Saskatchewan

Annual Report
2000

Saskatchewan
Public and Private
Rights Board

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Letter of Transmittal

March 20, 2001

Honourable Lorne Calvert
President of Executive Council

Dear Mr. Premier:

As per subsection 6(3) of *The Expropriation Procedure Act*, I have the honour to submit to you the Annual Report of the Public and Private Rights Board for the period January 1, 2000, to December 31, 2000.

My appointment to the Public and Private Rights Board under subsection 6(1) of *The Expropriation Procedure Act* expired on July 1, 2000. As an appointment to the Board can only be made by the Lieutenant Governor on the recommendation of the Legislative Assembly, and the Legislative Assembly has not been in session since that time, the position has remained vacant. In the absence of any appointment under subsection 6(1) of *The Expropriation Procedure Act*, I have, in my capacity as Director of Mediation Services Branch for Saskatchewan Justice, continued to provide dispute resolution services to assist landowners and expropriating authorities resolve disputes. I have included in this Report, cases dealt with between July 1, 2000 and December 31, 2000.

Respectfully submitted,

K. W. Acton
Director
Mediation Services

Staff

The staff of the Public and Private Rights Board are:

K. W. Acton, Chairman
Verna LeBlanc, Administrative Assistant

Message from the Chairman

Under *The Expropriation Procedure Act*, the Public and Private Rights Board has the authority to review matters relating to the expropriation of land or the intention to acquire land by expropriating authorities. The Board investigates claims and manages negotiations between landowners and expropriating authorities in an effort to help the parties reach mutually acceptable solutions.

Landowners may request the Board to review either or both:

(a) the route, situation or design of a public improvement;

(b) the amount of compensation offered for the expropriated land.

During 2000, the Board handled seven (7) claims. Of the seven claims handled, six were received through the year, and one was carried over from 1999. The Board concluded its investigation on three claims. There were four active cases as of December 31, 2000.

The primary role of the Public and Private Rights Board is dispute resolution. The Board assists landowners and expropriating authorities in reaching agreement on the most appropriate route or design of a public improvement and/or what fair and reasonable compensation should be paid for the required land or easement.

> *"The primary purpose of compensation is to place the owner whose land has been taken in the same position financially as he was prior to the taking. On the one hand, the owner should not receive a windfall or unjust enrichment as a result of the taking. On the other hand, the owner should not be required to shoulder an economic loss for the general public benefit which is achieved as a result of the taking."*

(Expropriation in Canada – A Practitioner's Guide, by Kenneth J. Boyd, Canada Law Book Inc., Aurora, Ontario, 1988, p.27)

The Board is pleased to report another successful year. The Board continues to receive a number of inquiries each year from landowners requesting information or assistance. With the co-operation of those involved, the majority of these situations are resolved informally. Only six situations in the past year required a more formal, in depth negotiation.

We recognize that this low level of activity can be attributed to the collaborative approach taken by expropriating authorities over the past several years. In an effort to build on this collaborative approach, steps were taken this year to provide opportunities for two field staff from each of the primary expropriating agencies to attend training in collaborative problem solving and decision making. It will be later in the upcoming year before every agency has participated; however, the response to date has been positive. We are confident that the training will be beneficial to landowners and agencies as they work together to resolve issues that arise.

Tables

a. Number and Nature of Claims Received, Negotiated, Completed, Withdrawn and Carried Forward by the Board in 2000

I. Number and Nature of Claims Negotiated in 2000

(A)	Carried forward from 1999:	
	i) Route, Situation or Design	0
	ii) Compensation	1
	Subtotal	1
(B)	New claims received in 2000:	
	i) Route, Situation or Design	3
	ii) Compensation	3
	Subtotal	6
	Total	**7**

II. Number and Nature of Claims Completed in 2000

i)	Route, Situation or Design	1
ii)	Compensation	2
	Total	**3**

III. Number and Nature of Claims Withdrawn in 2000

i)	Route, Situation or Design	0
ii)	Compensation	0
	Total	**0**

IV. Number and Nature of Claims Carried Forward into 2001

i)	Route, Situation or Design	2
ii)	Compensation	2
	Total	**4**

b. Number and Nature of Claims Received by the Board in 2000 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	2	2	4
SaskPower	0	0	0
SaskEnergy	0	0	0
Miscellaneous	1	1	2

c. Number and Nature of Claims Initiated with the Board in 2000 (by Expropriating Authority)

Expropriating Authority	Route Situation or Design	Compensation	Total
SaskTel	2	2	4
SaskPower	0	0	0
SaskEnergy	0	0	0
Miscellaneous	1	1	2

d. Resolution of Claims Initiated with the Board in 2000 (by Expropriating Authority)

Expropriating Authority	Negotiated Successfully	Negotiated Unsuccessfully	With Drawn	Total
SaskTel	2	0	0	2
SaskPower	0	1	0	1
SaskEnergy	0	0	0	0
Miscellaneous	0	0	0	0

e. Number and Nature of Claims Received by the Board (1990 - 2000)

Year	Route, Situation or Design	Compensation	Total
1990	3	3	6
1991	6	7	13
1992	2	5	7
1993	1	1	2
1994	3	3	6
1995	3	3	6
1996	3	4	7
1997	2	4	6
1998	3	6	9
1999	0	2	2
2000	3	3	6

f. Number of Claims Received by the Board by Expropriating Authority (1990 - 2000)

Year	Conservation & Development Area Authorities	SaskTel	Sask Power	Sask Energy	Sask Hwys	Misc.
1990	0	4	0	0	1	1
1991	0	8	4	0	1	0
1992	0	3	0	0	3	1
1993	0	0	0	0	0	2
1994	0	2	1	2	0	1
1995	0	4	0	2	0	0
1996	0	4	2	0	0	1
1997	0	2	3	0	0	1
1998	0	4	2	0	1	2
1999	0	1	0	0	0	1
2000	0	4	0	0	2	0